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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/981,294	10/16/2001	Michihiro Ota	83918	4997

24628 7590 09/28/2004

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EXAMINER

YOUNG, JOHN L

ART UNIT PAPER NUMBER

3622

DATE MAILED: 09/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/981,294

Applicant(s)

OTA ET AL. 

Examiner

John L Young

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 August 2004.
2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-24 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☒ Claim(s) 19-24 is/are allowed.
6) ☒ Claim(s) 13-18 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

JOHN LEONARD YOUNG, ESQ.
PRIMARY EXAMINER

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☒ Other: See Continuation Sheet.

Continuation of Attachment(s) 6). Other: Quayle Action & Notice of Allowability.

A handwritten signature in black ink, appearing to read 'JL Young', written in a cursive style.

9-20-2004

JOHN LEONARD YOUNG, ESQ.
PRIMARY EXAMINER

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QUAYLE ACTION
AND
NOTICE OF ALLOWABILITY (PAPER # 9/20/2004)

CLAIM STATUS

1. Claims 13-24 are pending.
2. This application is in condition for allowance except for the following formal matters concerning 35 U.S.C. §101:

CLAIM REJECTIONS — 35 U.S.C. §101

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 13-18 are rejected under 35 U.S.C. 101, because said claims are directed to non-statutory subject matter.

As per claim 13, as drafted said claim is not limited by language within the technological arts (see *In re Waldbaum*, 173 USPQ 430 (CCPA 1972); *In re Musgrave*, 167 USPQ 280 (CCPA 1970) and *In re Johnston*, 183 USPQ 172 (CCPA 1974) also see MPEP 2106 IV 2(b), even though said claim is limited by

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language to a useful, concrete and tangible application (See *State Street v. Signature financial Group*, 149 F.3d at 1374-75 , 47 USPQ 2d at 1602 (Fed Cir. 1998) ; *AT&T Corp. v. Excel*, 50 USPQ 2d 1447, 1452 (Fed. Cir. 1999).

Note: it is well settled in the law that "[although] a claim should be interpreted in light of the specification disclosure, it is generally considered improper to read limitations contained in the specification into the claims. See *In re Prater*, 415, F.2d 1393, 162 USPQ 541 (CCPA 1969) and *In re Winkhaus*, 527 F.2d 637, 188 USPQ 129 (CCPA 1975), which discuss the premise that one cannot rely on the specification to impart limitations to the claims that are not recited in the claims." (See MPEP 2173.05(q)).

Claims 14-18 are rejected for the same reasons as claim 13.

DRAWINGS

4. This application has been filed with drawings that are considered informal; said drawings are acceptable for examination purposes. The review process for drawings that are included with applications on filing has been modified in view of the new requirement to publish applications at eighteen months after the filing date of applications, or any priority date claimed under 35 U.S.C. §§119, 120, 121, or 365.

The drawings filed on 10/16/2001 are accepted by the Examiner.

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NOTICE OF ALLOWABILITY (PAPER # 8/23/2004)

CLAIM REJECTIONS — 35 U.S.C. §103(a)

5. **Rejections Moot.** The claim rejections of claims 1-12 in the prior Office action are moot because Applicant has canceled claims 1-12.

REASONS FOR ALLOWABILITY

6. The following are the Examiner's statements of reasons for allowability of the instant application.. The Applicant has sufficiently shown that the elements and limitations of claims 13-24 have multiple implementation details not disclosed in the prior art of record.

Independent claims 13 & 19 substantially recite in part a point management system executed in association with an automatic vending machine.

Support for these elements and limitations are found at least in FIG. 1 of the drawings of the instant application.

In this case, class searches, and word searches have shown that neither a given reference nor a combination of references predate the instant invention that contain elements in an inclusive arrangement as claimed in the instant invention.

Therefore, the prior art references of record do not precisely teach or suggest the combination of elements of the instant invention. Therefore, the instant invention

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as claimed in independent claims 13 & 19 is not anticipated by the prior art of record. Furthermore, the prior art references of record do not implicitly, individually or in combination disclose elements that would have rendered the claimed elements and limitations in the instant invention obvious to one of ordinary skill in the art at the time of the invention.

Dependent claims 14-18 & 20-24 are allowable because they depend from independent claims 13 & 19 respectively, which contains allowable subject matter.

CONCLUSION

7. Any response to this action should be mailed to:

Commissioner for Patents
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Any response to this action may be sent via facsimile to either:

(703) 305-7687 (for formal communications EXPEDITED PROCEDURE) or

(703) 305-7687 (for formal communications marked AFTER-FINAL) or

(703) 746-7240 (for informal communications marked PROPOSED or DRAFT).

Hand delivered responses may be brought to:

Seventh Floor Receptionist
Crystal Park V

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2451 Crystal Drive
Arlington, Virginia.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John L. Young who may be reached via telephone at (703) 305-3801. The examiner can normally be reached Monday through Friday between 8:30 A.M. and 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber, may be reached at (703) 305-8469.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

John L. Young

Primary Patent Examiner



JOHN LEONARD YOUNG, ESQ.
PRIMARY EXAMINER

September 20, 2004